

## **REMARKS**

Claims 1-5, 7-11, 13, 18, and 20 are pending. No amendments are made herein.

### *Claims 1-4, 7, 9-11, 13, 17, 18 and 20*

Applicants respectfully submit that claims 1-4, 7, 9-11, 13, 17, 18, and 20 are patentable over Hsu (US 6,768,403) in view of Lin (US 6,818,936) and Cowen (US 6,229,684) under 35 U.S.C. 103(a). Hsu, Lin, and Cowen, together or alone, fail to teach or suggest all features of independent claims 1, 9, and 17 and their dependencies (claims 2-8, 10-13, and 18-20). For example, Hsu, Lin, and Cowen, together or alone, fail to teach or suggest forming a dielectric layer or silicon oxynitride at a temperature between approximately 200 and 300 degrees Celsius. The Examiner contends, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a temperature below 300 degrees Celsius when forming the device as discloses [*sic*] by Hsu et al. in view of Lin et al. in order to prevent damage to the HTS material in the device [Cowen et al., col. 10 line 50 to col. 12 line 11]." Applicants disagree and submit that there is no motivation to combine Cowen's teachings of PECVD with that of Hsu and Lin.

Cowen teaches forming a low temperature oxide using PECVD at a temperature range between 250 to 300 degrees Celsius. (Col. 11, line 58 to Col. 12, line 2.) Cowen teaches "Low temperature oxide is utilized to avoid exposing the HTS material..." (Col. 11, lines 62-63.) The HTS material is a high temperature superconducting material, such as Yttrium Barium Copper Oxide (YBCO) or Thallium Barium Calcium copper Oxide (TBCCO). (Col. 5, lines 7-12.) Neither Hsu nor Lin uses a HTS material. One skilled in the art would not be motivated by Cowen to form a low temperature oxide at temperatures between 250 to 300 degrees Celsius in Hsu or Lin since no HTS materials exist in Hsu or Lin. In other words, since the reason Cowen teaches for forming the low temperature oxide does not hold for Hsu and Lin, one skilled in the art would not be motivated to use Cowen's PECVD process with a temperature range of 250 to 300 degrees Celsius in combination with Hsu or Lin.

For at least this reason, claims 1-4, 7, 9-11, 13, 17, 18, and 20 are patentable over Hsu in view of Lin and Cowen under 35 U.S.C. 103(a).

### *Claims 5 and 8*

Applicants respectfully submit claims 5 and 8 are patentable over Hsu in view of Lin, in view of Cowen and further in view of Murakami (US 2005/0156174) under 35 U.S.C. 103(a). As previously discussed, Hsu, Lin, and Cowen, fail to teach or suggest all features of independent claim 1, from which claims 5 and 8 depend. Murakami, alone or in combination with Hsu, Lin,

and Cowen also fails to teach or suggest the features upon which the Examiner relies upon Hsu, Lin, and Cowen to teach or suggest. More specifically, Murakami, alone or in combination with Hsu, Lin, and Cowen, fails to teach or suggest forming a dielectric layer or silicon oxynitride at a temperature between approximately 200 and 300 degrees Celsius. Murakami is silent as to the temperature at which to perform a dielectric layer or silicon oxynitride layer. For at least this reason, claims 5 and 8 are patentable over Hsu, Lin, Cowen, and Murakami under 35 U.S.C. 103(a).

The Office Action contains numerous statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicants, Applicants refuse to subscribe to any of these statements, unless expressly indicated by Applicants. Applicants earnestly solicit allowance of all pending claims.

Please contact Applicants' practitioner listed below if the case can be disposed of via a telephone conversation.

Respectfully submitted,

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